

## **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

### **Formal Matters**

Claims 1, 2, 4, 5, 8-10, 12, 13, and 18 are currently pending in the application. Claims 1, 9, 12, and 18 are amended to include the elements of claims 3 and 6. Support for this amendment can be found, for example, in the specification, page 16, line 25 to page 17, line 3, and in Figures 4 and 6. Claims 12 and 13 are amended to recite a "recorded program", as discussed below. Claims 3, 6, 7, 11, and 14-17 are canceled. Claims 19-22 are added. Support for the new claims can be found in the specification on page 22, lines 5-9.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on November 26, 2003 and May 10, 2006.

### **Rejection of Claims Under 35 U.S.C. §101**

Claims 12 and 16 are rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 12 is amended in accordance with the Examiner's suggestion to recite "A recorded program for causing a computer to execute a process tangibly embodied on a computer-readable storage medium", and claim 13 is amended to correspond to this amendment. Claim 16 is canceled. Withdrawal of this rejection is respectfully requested.

### **Rejection of Claims Under 35 U.S.C. §102**

Claims 1-3 and 6-8 are rejected under 35 U.S.C. §102(b), as anticipated by Goldstein, U.S. Patent Application Publication No. 2001/0021910 A1 (hereinafter "Goldstein"). This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicant's claimed invention is the need for a system and method that makes effective use of patient information. Applicant's inventive solution facilitates the recording of preprocedure activities including abnormalities, as well as patient condition information including abnormalities, and makes this information available prior to or during patient examination and/or treatment procedures. For example, in a preprocedure activity, if a patient is determined to have an allergic reaction to a particular medicine, this allergy or abnormality is noted with the patient's reservation data for an additional or follow-up examination, so that appropriate measures can be taken during this next, reserved examination.

Independent claims 1, 9, 12 and 18 have been amended to recite obtaining first abnormality information during the inputting of preprocedure information, obtaining second abnormality information during the inputting of condition information, and displaying this abnormality information along with examination reservation information corresponding to patient condition information.

By contrast, Goldstein discloses a system that creates a patient profile identifying the patient's present and future needs for elective or aesthetic medical products and services and the patient's ability to pay for the same (paragraph [0046]). Goldstein does not disclose or suggest either preprocedure information including first abnormality information, patient condition information including a second abnormality information, or examination reservation information corresponding to patient condition information. Further Goldstein does not disclose or suggest a display controlling unit that displays one or more of the examination reservation information from among the examination reservation information displayed in the list, said one or more examination reservation information corresponding to the patient condition information having

the first or the second abnormality information indicating the abnormality is occurring in the condition of the patient

It has been held by the courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Goldstein does not disclose a display controlling unit displaying examination reservation information corresponding to patient condition information having first or second abnormality information indicating that an abnormality is occurring, so that Goldstein does not disclose every feature of the invention as recited in independent claim 1. Consequently, claim 1 is not anticipated by the art of record in the application. Claims 2 and 8 depend from claim 1, each dependent claim incorporating all of the features and limitations of its base claim. Hence, these dependent claims are not anticipated by the art of record for at least the reasons that the base claim is not anticipated by the art of record. Claims 3, 6, and 7 are canceled. Accordingly, this rejection should be withdrawn.

#### **Rejection of Claims Under 35 U.S.C. §103**

Claims 4 and 5 are rejected under 35 U.S.C. § 103 (a) as unpatentable over Goldstein in view of Edelson et al., U.S. Patent No. 5,737,539 (hereinafter "Edelson"). Claims 9-18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Goldstein in view of Jeacock et al., U.S. Patent No. 6,014,630 (hereinafter "Jeacock"). These rejections should be withdrawn based on the comments and remarks herein.

As discussed above, Goldstein does not teach or suggest the display controlling unit displays, or displaying, one or more of the examination reservation information from among the examination reservation information displayed in the list, said one or more examination

reservation information corresponding to the patient condition information having the first or the second abnormality information indicating the abnormality is occurring in the condition of the patient, as recited in independent claims 1, 9, 12, and 18. Neither Edelson nor Jeacock overcome this deficiency, and the Examiner does not state otherwise. Edelson teaches an electronic prescription creation system that assists physicians in prescribing and reviewing drugs (column 1, lines 13-15). Jeacock teaches a personalized patient document that can be given to a patient to tell him what he should do in preparation for a medical procedure, what he should expect at the hospital, what post-operative procedures to follow, and recovery details (column 1, lines 59-63). Neither Edelson nor Jeacock teach or suggest a display controlling unit that displays, or displaying, one or more of the examination reservation information from among the examination reservation information displayed in the list, said one or more examination reservation information corresponding to the patient condition information having the first or the second abnormality information indicating the abnormality is occurring in the condition of the patient as recited in independent claims 1, 9, 12 and 18.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Goldstein and Edelson and/or Jeacock, taken singly or in any combination, does not disclose or suggest displaying examination reservation information corresponding to the patient condition information having the first or the second abnormality information indicating the abnormality is occurring in the condition of the patient, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1, 9, 12 and 18. Thus *prima facie* obviousness has not been established, so that these independent claims are distinguishable over

the art of record in the application. Claims 4 and 5 depend from claim 1, claim 10 depends from claim 9, and claim 13 depends from claim 12, each dependent claim incorporating all of the features and limitations of its base claim. Thus, these dependent claims are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record the application. Claims 11 and 14-17 are canceled. Accordingly, withdrawal of this rejection is respectfully requested.

#### **New Claims**

As discussed above, the art of record in the application does not teach or suggest the features and limitations of independent claims 1, 9, 12 and 18. New claims 19-22 depend from claims 1, 9, 12, and 18, respectively, so that these new dependent claims are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record the application.

#### **Drawings**

Replacement Figures 7 and 9 are submitted herewith; each has been amended to make minor corrections. Specifically, in Figure 7, "FALG" is corrected to "FLAG" in boxes S22 and S25, and in Figure 9, "PRESERVATION" is corrected to "RESERVATION" in the START box and in box S30. No new matter has been added.

### Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejection and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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Enclosures (Replacement Sheets for amended Figures 7 and 9)